

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

ROGER ERNEST HEARE, SR.,	:	
	:	
Petitioner	:	
	:	
v.	:	CIVIL NO. 4:CV-14-340
	:	
HUNTINGDON PRISON, ET AL.,	:	(Judge Brann)
	:	
Respondents	:	

**ORDER**

May 13, 2014

In accordance with the accompanying Memorandum, **IT IS HEREBY**

**ORDERED THAT:**

1. In accordance with the Petitioner's Notice of Election (Doc. 7) to discontinue this action, the instant petition is **DEEMED WITHDRAWN**.
2. **DISMISSAL IS WITHOUT PREJUDICE** and Heare may file another § 2254 petition raising all grounds for relief from his conviction within the one (1) year statutory period prescribed by 28 U.S.C. § 2244(d)(1).
3. The Clerk of Court is directed to **CLOSE** this case.

4. There is no basis for the issuance of a Certificate of Appealability.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge